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June 1, 2017

TECHNICAL STAFF REPORT

Hearing Examiner Hearing of June 8, 2017

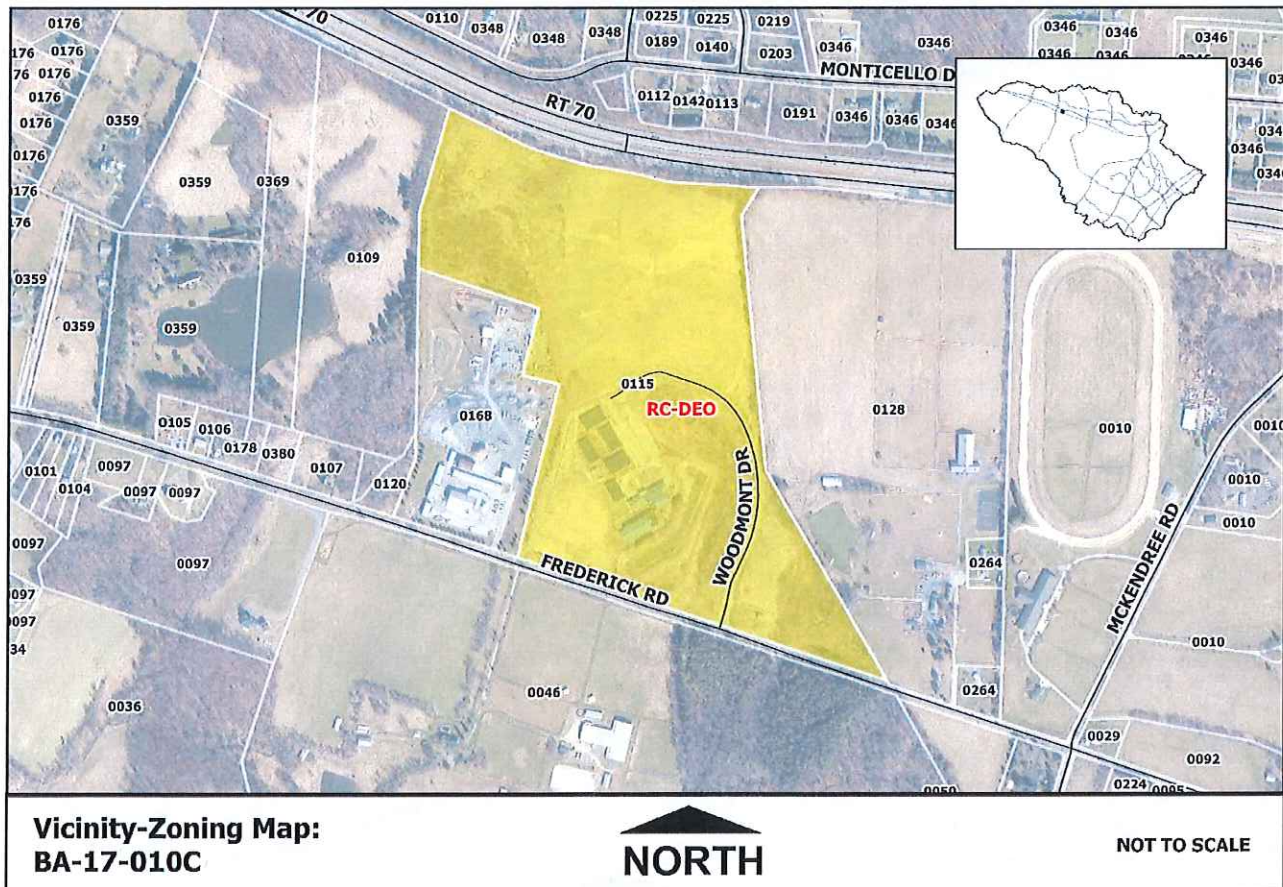
Case No./Petitioner: BA-17-010C St. Mary Coptic Orthodox Church of Maryland, Inc. t/a St. Mary Coptic Church

Request: Conditional Use for a Religious Facility (Section 131.0.N.42)

Location: Fourth Election District
North side of MD 144 approximately 1,000 feet east of McKendree Road
Tax Map 8, Grid 24, Parcel 115; 14196 MD 144 (the "Property")

Area of Site: 66.1 acres

Zoning: RC-DEO (Rural Conservation: Density Exchange Option)



I. CONDITIONAL USE PROPOSAL

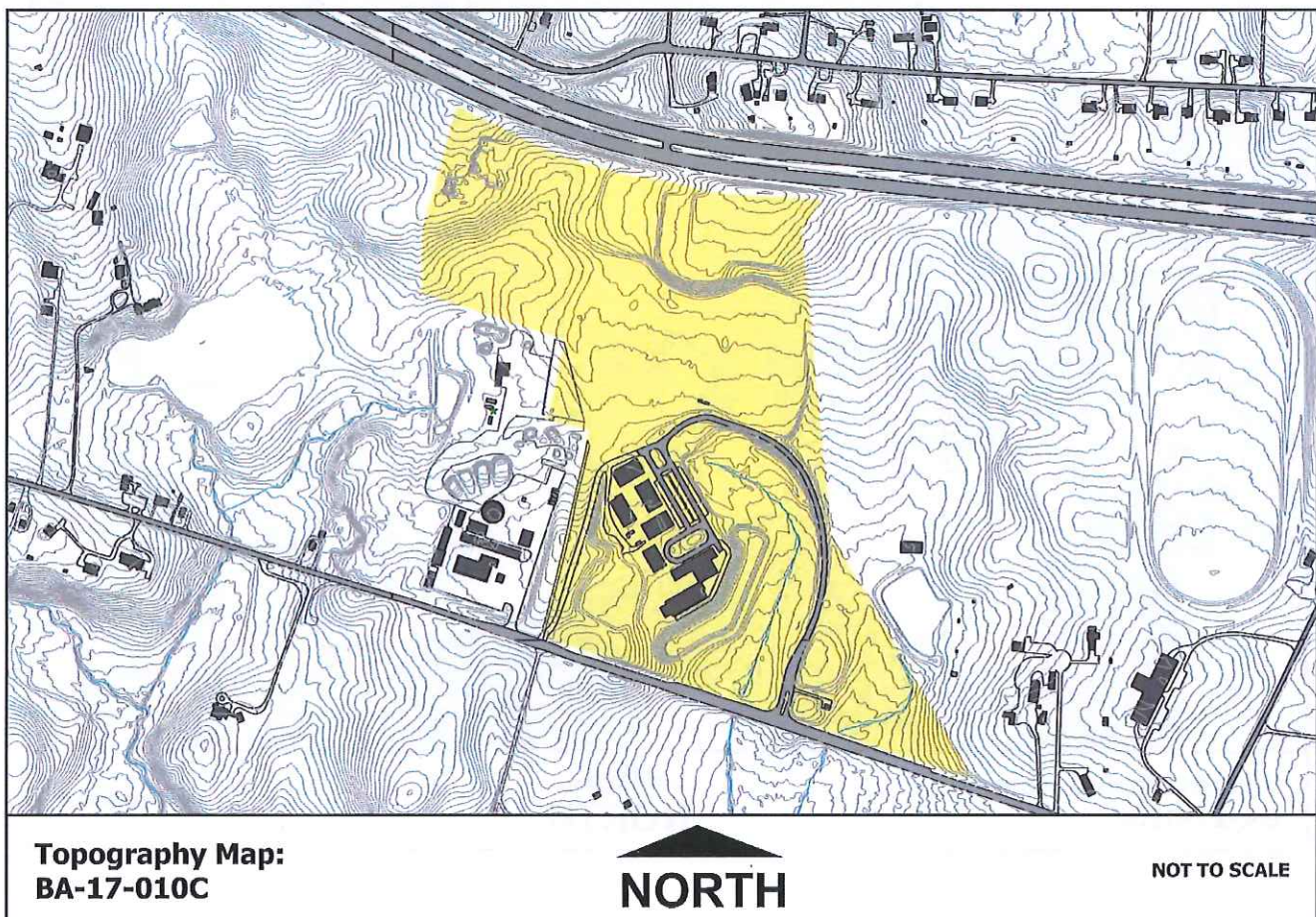
The Property was once the site of the Woodmont Academy, an institutional use approved for a private academic school and retreat center in BA 02-19C that has ceased operation. A religious facility, child day care center and private academic school approved in BA 13-033C were never established on the Property.

The Petitioner requests approval of a phased Conditional Use for a religious facility consisting of two full time priests, two part time employees, and serving a 200 family congregation. Proposed activities include Liturgy (Mass service), Sunday school, vocational Bible school, fellowship meetings, and special occasion events such as religious holiday events, weddings and baptisms.

Wednesday Liturgy Mass will be held from 6:00 a.m. to 8:00 a.m. with approximately 20 people in attendance. Small group gatherings for classes and clubs for 10 to 40 people will occur on Monday and Friday evenings from approximately 7:00 p.m. to 10:00 p.m.

Saturday services will accommodate approximately 50 people and will occur from 8:30 a.m. to 11:00 a.m. with evening classes and clubs meeting from 6:30 p.m. to 9:30 p.m.

Sunday services will accommodate approximately 100 families and will occur from 8:30 a.m. to 11:00 a.m. with Sunday school and meetings until approximately 2:00 p.m.



The petition states that existing playground and sports fields will be used for outdoor activities; however, these areas are not depicted on the Conditional Use Plan ("CUP").

Phase One: Phase One consists of the existing 27,500 square foot school building on the Property, which upon approval, will be used for religious services and programs. The existing 60-foot by 60-foot multipurpose area will be converted to assembly area for the religious facility. There will be 100 Sunday school students. Five existing modular buildings will remain on the site.

Phase Two: Phase Two is estimated to begin within three to five years of Conditional Use approval. A 14,258 square foot Church addition will be constructed onto the west side of the existing school building. The 3,600 square foot Phase One assembly area will revert to multipurpose use. One existing modular building will be removed to accommodate the Church addition. A parking lot containing 142 spaces will be constructed to the west and south of the Church addition. There will be a total of 200 Sunday school students with the completion of Phase Two.

II. BACKGROUND INFORMATION

A. Site Description

The Property is an irregular, roughly Z-shaped parcel. Access is via the Main Driveway located approximately 810 feet west of the parcel's southeast corner approved with SDP 03-090. To the west and east of this driveway are streams and wetlands, and a floodplain area and small pump house are located to the east. The Main Driveway continues as a two-lane drive curving to the northwest around the stream and wetlands areas and a long storm water management facility to the west, and curves to the southwest to a paved parking lot containing 98 parking spaces and a looped vehicle circulation area. At the southeast end of the parking lot is a one-story school building, and to the southwest side of the parking lot are five modular buildings. A playground area is located on the west side of the school building.

There is an unused driveway along the west side of the Property which existed for many years prior to SDP approval; however, the driveway entrance at the southwest corner of the site is barricaded at MD 144. Phase Two will reestablish this access point and the West Driveway will connect to the existing Main Driveway.

The site's topography is rolling. To the north and west of the developed area of the site is an open area that rises in elevation approximately 30 to 40 feet to the rear lot line adjoining the I-70 right-of-way. The highest point is at the northeast corner and the lowest points on the Property are the streams on both sides of the driveway entrance.

Existing septic areas are in the northern portion of the Property and wells are located on both sides of the entrance drive.

B. Vicinal Properties

All adjacent properties are also zoned RC-DEO.

North: I-70 adjoins the north side of the Property.

East: Parcel 128 adjoins the east side of the Property. This approximately 59.7 acre parcel is an Agricultural Land Preservation Easement farm improved with farm buildings, a pond and paddock area generally located in the southern portion of the parcel and open fields in the northern portion.

South: To the south across MD 144 is Parcel 146, an approximately 130 acre horse farm in an Agricultural Land Preservation Easement. The eastern area of this parcel is directly opposite the Property and is wooded with paddock areas to the west of the woods.

Parcel 46 which adjoins the west side of Parcel 146 is the site of HO-117, listed in the Howard County Historic Sites Inventory as 'Poverty Discovered'. The historic structure on the site is located approximately 920 feet south of MD 144.

West: Parcel 168 adjoins the west side of the Property. This parcel is the site of the Howard County Bureau of Highways Cooksville facility improved with a three-bay garage and roofed vehicle storage areas. A telecommunications tower is located approximately 865 feet from MD 144 and 420 feet from the east property line.

C. Roads

MD 144 generally has two travel lanes: a westbound through lane and an acceleration/deceleration lane as well as an eastbound through lane and left turn lane. MD 144 has a variable width right-of-way. The posted speed limit is 50 miles per hour.

The estimated sight distance from the existing Main Driveway entrance is approximately 900 feet to the west to a rise in elevation and 1,700 feet to the east. This entrance was approved with SDP 03-090.

The Phase Two West Driveway appears to be intended for right-turn ingress and egress. A State Highway Administration ("SHA") access permit will be required to establish this entrance; however, SHA had no comments on the proposal. Upon permit issuance, SHA will determine appropriate driveway design and location.

According to SHA data, the traffic volume on MD 144 east of MD 97 was 3,542 ADT (average daily trips) as of January, 2011.

D. Water and Sewer Service

The Property is not within the Metropolitan District and is within the No Planned Service Area of the Howard County GIS maps. The Property is served by private water and septic facilities.

E. General Plan

The Property is designated Rural Resource on the Designated Place Types Map of *PlanHoward* 2030.

MD 144 is a Minor Arterial according to the Functional Road Classification Map of *PlanHoward* 2030.

F. Agency Comments

The Division of Land Development commented that a red-line to Site Development Plan (SDP) 03-090 is required to establish the change in use; the extension of the private road must comply with the structure and use setback and an access permit must be approved by the State Highway Administration; the proposed Phase Two improvements will require a new SDP and lot coverage shall not exceed 25% of the lot area; proposed improvements appear to exceed maximum height limitations; the forest conservation obligation for the site was satisfied under SDP 03-090; and no environmental disturbances are proposed in BA 17-010C.

The Howard County Department of Fire and Rescue Services submitted advisory comments that all buildings must be protected by an approved automatic sprinkler system; existing access to the rear of the school shall remain and be maintained; access to the site and around buildings will be reviewed at the SDP stage; areas may be designated as fire lanes at the SDP stage, and; it is recommended that a cistern be installed for the safety of the parishioners and to assist the Fire Department with water supply in the event of a fire.

The State Highway Administration and Department of Recreation and Parks had no comments on the petition.

III. ZONING HISTORY

A. Case No.: BA 02-019C
Petitioner: Woodmont Academy
Request: Conditional Uses for a Private Academic School and Retreat Center
Action: Approved July 17, 2002 subject to the following condition:

1. The Conditional Uses will apply only to the uses and structures as described in the petition and Conditional Use plan submitted and not to any other activities, uses, structures, or additions to the Property.

B. Case No.: BA 13-033C
Petitioner: Al-Huda, Inc., t/a Dar-us-Salaam
Request: Conditional Use for a Religious Facility, Child Day Care Center and Private Academic School
Action: Approved May 13, 2014 subject to the following conditions:

1. All three Conditional Use approvals are specific to Petitioner Dar Us Salaam and do not attach to or run with the land. The Conditional Use approvals shall not pass to any successors or assignees or be transferable from one owner to another. These approvals do not invest the current property owner, Woodmont Educational Foundation, Inc., (as stated in the petition) with any property right or interest in the Conditional Uses granted to Petitioner Dar Us Salaam.

2. The Conditional Uses shall be conducted in conformance with and shall apply only to the daycare facility, private school and religious facilities as described in the petition, and depicted on the plan accepted by DPZ on December 16, 2013, excluding the residence accommodation, and not to any other activities, uses, or structures on the Property.
3. The proposed residence accommodations building and use is **DENIED**. There shall be no residence accommodations associated with any use, and residential use of the Property or any residential dwelling constructed in connection with the approved conditional uses.
4. There shall be no overnight visitors or guests, excluding any summer camps. No persons other than maintenance or security personnel or security shall remain on site when the uses cease for the day.
5. No outdoor amplification is permitted.
6. There shall be no outdoor lighting anywhere on the site other than lighting for parking areas. This condition does not extend to any public safety or similar type of lighting required by the Howard County Code.
7. During the week of the Howard County Fair, the following restrictions and traffic management requirements are imposed. These conditions shall be detailed on the Site Development Plan as notes.
 - a. The daycare, religious facility and private academic school uses shall not hold any non-religious event, including afterschool sports practice or event, any type of meeting, including study groups, clubs, or extracurricular activities.
 - b. Petitioner shall provide traffic management for all uses to assist in ingress and egress from the Property.
 - c. Petitioner shall prepare a traffic management plan to reduce vehicular traffic for Friday afternoon prayer service, or any high-holiday religious event, including alternative methods like busing or ride sharing. Petitioner shall develop a communication system to inform uses of these alternatives.
 - d. Petitioner shall identify a coordinator responsible for ensuring compliance with these conditions. Coordinator contact information shall be posted on the Dar Us Salaam website.
8. The Site Development Plan shall call out clearly marked walkways between the parking area and Building 7 for every phase where the daycare facility area will be modified.
9. The Site Development Plan shall call out all off-street school bus loading areas.
10. The Site Development Plan shall detail which modular buildings will be removed and when they will be removed as phases are built.
11. The Site Development Plan shall note the location of all refuse areas.
12. Petitioner shall comply with all development phasing requirements of the Howard County Subdivision and Land Development Regulations.
13. Petitioner shall comply with all Howard County Bureau of Environmental Health and all State of Maryland well and septic requirements, especially as they relate to phased development.

Appeal to Circuit Court filed by Al-Huda, Inc., ta/ Dar-us-Salaam, March 11, 2016.

Order by Circuit Court affirming Board of Appeals Decision, October 11, 2016.

Appeal filed with Court of Special Appeals, November 10, 2016.

IV. EVALUATION AND CONCLUSIONS

A. Evaluation of petition according to Section 131.0.B. of the Zoning Regulations (general criteria for Conditional Uses):

1. *The proposed Conditional Use plan will be in harmony with the land uses and policies in the Howard County General Plan which can be related to the proposed use.*

There are no Howard County General Plan policies that directly relate to the proposed use. However, religious facilities/institutional uses are generally compatible with residential and nonresidential uses and operate with Conditional Use approval throughout the RC District. Additionally, the proposed use will be a similar institutional use to that approved in BA 02-019C.

2. *The nature and intensity of the use, the size of the site in relation to the use, and the location of the site with respect to streets giving access to the site are such that the overall intensity and scale of the use(s) are appropriate for the site.*

The religious activities will predominately occur indoors. Phase One will operate within previously approved structures and will comprise approximately 7% of the lot. Phase Two will comprise approximately 10% of the lot, well below the 25% permitted lot coverage. The proposed use is significantly less intense than the use approved in BA 02-19C. The overall intensity and scale of the use is appropriate for the 66.1 acre site and the existing access from MD 144, a Minor Arterial.

3. *The impact of adverse effects such as, but not limited to, noise, dust, fumes, odors, intensity of lighting, vibrations, hazards or other physical conditions will be greater at the proposed site than it would generally be elsewhere in the same zoning district or other similar zoning districts.*

The religious activities associated with the Conditional Use will predominately occur indoors and are not likely to create adverse effects. Existing lighting projects downward and future lighting will be limited to the Church building and will be directed downward and appropriately screened from neighboring properties. There is no evidence of atypical adverse effects such as noise, dust, fumes, odors, vibrations, increased lighting, hazards or other physical conditions that would be greater at the subject site than generally elsewhere.

4. *The location, nature and height of structures, walls or fences, and the nature and extent of the existing and/or proposed landscaping on the site are such that the use will not hinder or discourage the development and/or use of adjacent land and structures more at the subject site than it would generally elsewhere in the same zoning district or other similar zoning districts.*

The proposed building height exceeds the maximum height limit. According to Section 131.0.N.42 (Specific Criteria # 2 below) *the front, side and rear setbacks must be increased one foot for each foot by which the building exceeds the height limitation.* Therefore, the building and must be set back an additional 35.5 feet to accommodate the increased height. This criterion is evaluated under section B.2 below.

The building will be screened from MD 144 by distance and existing and proposed landscaping. The location, nature and height of structures, walls and fences and the nature and extent of the landscaping on the site are such that the use will not hinder or discourage the development and use of adjacent land and structures more at the subject site than it would generally elsewhere.

5. *The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.*

Section 133.0 of the Zoning Regulations requires ten spaces per 1,000 square feet of assembly area for a religious facility. There is no specific parking requirement for an accessory Sunday school use.

Phase One will consist of converting the existing 60-foot by 60-foot multipurpose area to assembly area for the religious facility. Based on the 3,600 square foot assembly area, 36 parking spaces are required.

Phase Two will add a 14,258 square foot assembly area for the religious facility, which requires 143 parking spaces. According to the CUP, the 3,600 square foot Phase One assembly area will revert to multipurpose use for which there is no parking requirement.

There are 98 existing parking spaces on the site. Phase Two will add 142 spaces for a total of 240 spaces.

The number of parking spaces will be appropriate to serve the particular use. Parking areas, loading areas, driveways and refuse areas will be appropriately located and buffered or screened from public roads and residential uses to minimize adverse impacts on adjacent properties.

6. *The ingress and egress drives will provide safe access with adequate sight distance, based on actual conditions, and with adequate acceleration and deceleration lanes where appropriate. For proposed Conditional Use sites which have driveway access that is shared with other residential properties, the proposed Conditional Use will not adversely impact the convenience or safety of shared use of the driveway.*

The estimated sight distance from the existing Main Driveway entrance is approximately 900 feet to the west to a rise in elevation and 1,700 feet to the east. Based on existing conditions, the access point on MD 144 is approximately 0.96 miles from the intersection with MD 97 to the west and approximately 0.33 miles from the intersection with McKendree Road to the east. This entrance was approved with SDP 03-090.

Based on the estimated stopping sight distance of 425 feet for a car going 50 miles per hour, the existing access point on MD 144 appears to provide safe access with adequate stopping sight distance. The ingress and egress drive will provide safe access with adequate sight distance, based on actual conditions.

Because MD 144 is a Minor Arterial, in order to verify sight distance for a Minor Arterial, AASHTO recommends an intersection sight distance analysis in addition to a stopping sight distance analysis.

Notwithstanding, a professional sight distance analysis would need to be conducted in order to conclusively evaluate sight distance at the proposed location. A professional sight distance analysis is typically conducted when the SDP is submitted. Approval of the SDP would be contingent upon compliance with all Howard County design criteria, including sight distance.

7. *The proposed use will not have a greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.*

There are no environmentally sensitive areas in the vicinity of the Property. Impacts to environmentally sensitive areas on-site have been mitigated with the approved SDP and there is no greater potential for adversely impacting environmentally sensitive areas in the vicinity than elsewhere.

8. *The proposed use will not have a greater potential for diminishing the character and significance of historic sites in the vicinity than elsewhere.*

A historic residence and accessory building designated HO-117 is located to the south across MD 144 approximately 1,051 feet from the edge of the proposed expansion. The proposed use will not have a greater potential for diminishing the character or significance of the historic sites in the vicinity due to the distances between the proposed use and the historic sites.

B. Evaluation of petition according to Section 131.0.N.42 (Specific Criteria for a Conditional Use for Religious Facilities, Structures and Land Used Primarily for Religious Activities):

1. *The minimum lot size in the RC and RR Districts is three acres and the minimum lot size in the other districts is one acre, however, existing religious facilities previously approved as a Special Exception or a Conditional Use are exempted from this requirement. Lot coverage shall not exceed 25% of the lot area.*

The 66.1 acre lot size exceeds the three acre minimum lot size requirement in the RC District. Phase One will comprise approximately 7% lot coverage and Phase Two will comprise approximately 10% lot coverage.

2. *Structures may be erected to a greater height than permitted in the district in which it is located, provided that the front, side and rear setbacks shall be increased one foot for each foot by which such structure exceeds the height limitation.*

Case No.: BA 17-010C

Petitioner: St. Mary Coptic

Orthodox Church of Maryland, Inc.

t/a St. Mary Coptic Church

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The proposed height to the top of the Church building's dome is 61.5 feet and the proposed height to the top of the cross is 69.5 feet. The maximum building height permitted in the RC District for buildings with roof types other than gable, hip or gambrel is 34 feet. Therefore, the proposed building height exceeds the permitted maximum and must be set back an additional 35.5 feet to accommodate the increased height. The building is proposed to be set back greater than 230 feet from the side property line and 300 feet from the front property line; therefore, the petition meets the additional setback requirements of this section.

3. *The access to the facility shall not be on a driveway or private road shared with other uses.*

The existing access drive is not shared with other uses. The petition complies with this section.

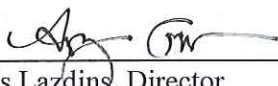
4. This section which concerns parking facilities which are accessory to a religious facility located on a separate lot is not applicable.

V. RECOMMENDATION

For the reasons stated above, the Department of Planning and Zoning recommends that the Conditional Use for a religious facility (Section 131.0.N.42) be **GRANTED** subject to the following condition:

1. The Petitioner shall revise the CUP to add BA 13-033C to General Note #13 and to include the entire property boundary and depict all site improvements including sports fields.

Approved by:


Valdis Lazdins, Director

6-1-17
Date

NOTE: The file is available for public review at the Department of Planning and Zoning Public Information Counter by appointment.